

1 In the Claims:

2
3 CLAIMS.

4
5 I claim:

6
7 1. (Currently Amended) A method for analyzing financial data, the
8 method comprising the steps of:

9 ~~obtaining~~choosing a range for data points related to a
10 security;

11 choosing a plurality of data points related to ~~the~~ security
12 from within the range, each data point comprises associated data regarding the
13 security;-

14 designating one of the data points as a reference data point;
15 choosing one of the data points as a chosen data point, wherein
16 the chosen data point further comprises a plurality of ~~individual~~chosen data
17 points, ~~not using an arithmetical pattern;~~ and

18 examining the data of the chosen data point with the data of
19 the reference data point, thereby producing a data analysis.

20
21 2. (Cancelled)

22
23 3. ~~(Currently~~Previously Amended) The method as described in claim
24 ~~1~~1, further comprising the step of ordering the chosen individual data points
25 according to an ordering function prior to the examining step, thereby producing
26 an ordered series and an ordered position corresponding to each chosen individual
27 data point.

28
29 4. (Original) The method as described in claim 3, further
30 comprising the step of reporting the data analysis.

31
32 5. (Cancelled)

33
34 6. (Cancelled)

35
36 7. (Original) The method as described in claim 3, wherein the

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- 2 -

1 examining step comprises utilizing a comparison expressed by the equation

$$2 \quad 3 \quad 4 \quad ((\text{TOPoint}-\text{FROMPoint})/\text{FROMPoint}) * 100 = +/- \%,$$

5 wherein "FROMPoint" is the reference point and "TOPoint" is each of the chosen
6 individual data points, and each ordered position corresponding to TOPoint
7 follows in the ordered series the ordered position corresponding to FROMPoint.

8
9 8. (Original) The method as described in claim 3, wherein the
10 examining step comprises utilizing a comparison expressed by the equation

$$11 \quad 12 \quad 13 \quad ((\text{TOPoint}-\text{FROMPoint})/\text{FROMPoint}) * 100 = +/- \%,$$

14 wherein "TOPoint" is the reference point and "FROMPoint" is each of the chosen
15 individual data points, and each ordered position corresponding to TOPoint
16 follows in the ordered series the ordered position corresponding to FROMPoint.

17
18 9. (Original) The method as described in claim 3, wherein the
19 reference point further comprises a plurality of reference individual data
20 points, there being a one-to-one correspondence between the reference individual
21 data points and the chosen individual data points.

22
23 10. (Original) The method as described in claim 9, wherein the
24 examining step comprises utilizing a comparison expressed by the equation

$$25 \quad 26 \quad 27 \quad ((\text{TOPoint}-\text{FROMPoint})/\text{FROMPoint}) * 100 = +/- \%$$

28 wherein each pair of "FROMPoint" and "TOPoint" are each corresponding reference
29 individual data point and chosen individual data point.

30
31 11. (Original) The method as described in claim 9, wherein the
32 examining step comprises utilizing a comparison expressed by the equation

$$33 \quad 34 \quad 35 \quad ((\text{FROMPoint}-\text{TOPoint})/\text{TOPoint}) * 100 = +/- \%$$

36 wherein each pair of "TOPoint" and "FROMPoint" are each corresponding reference

1 individual data point and chosen individual data point.

2

3 12. (Original) The method as described in claim 3, wherein the
4 ordering function comprises date order and each data point comprises the value
5 of the security at a specific date.

6

7 13. (Original) The method as described in claim 3, wherein the
8 ordering function comprises date-and-time order and each data point comprises a
9 value of the security at a specific date and time.

10

11 14. (Original) The method as described in claim 3, further
12 comprising the step of exporting the data analysis to a second method of
13 analyzing financial data.

14

15 15. (Currently Amended) A system for analyzing financial data, the
16 system comprising:

17 a means for choosing a range for data points related to a
18 security;

19 a means for ~~obtaining~~choosing a plurality of data points
20 related to ~~the~~ security from within the range, each data point
21 ~~comprising~~comprises associated data regarding the security;-

22 a means for designating one of the data points as a reference
23 data point;

24 a means for choosing one of the data points as a chosen data
25 point, wherein the chosen data point further comprises a plurality of chosen data
26 points, ~~not using an arithmetical pattern;~~ and

27 a means for examining the data corresponding to the reference
28 data point with the data corresponding to the chosen data point, thereby
29 producing a data analysis.

30

31 16. (Cancelled)

32

33 17. (~~Currently~~Previously Amended) The system as described in claim
34 ~~16~~15, wherein the examining means comprises a means for ordering the chosen
35 data points according to an ordering function, thereby producing an ordered
36 series and an ordered position corresponding to each chosen individual data

1 point.

2
3 18. (Cancelled)

4
5 19. (Cancelled)

6
7 20. (Original) The system as described in claim 17, wherein the
8 examining means further comprises a means for performing a comparison expressed
9 by the equation

10
11
$$((\text{TOPoint} - \text{FROMPoint}) / \text{FROMPoint}) * 100 = +/- \%$$

12
13 wherein "FROMPoint" is the reference point and "TOPoint" is each of the chosen
14 individual data points, and each ordered position corresponding to TOPoint
15 follows in the ordered series the ordered position corresponding to FROMPoint.

16
17 21. (Original) The system as described in claim 17, wherein the
18 examining means further comprises a means for performing a comparison expressed
19 by the equation

20
21
$$((\text{TOPoint} - \text{FROMPoint}) / \text{FROMPoint}) * 100 = +/- \%$$

22
23 wherein "TOPoint" is the reference point and "FROMPoint" is each of the chosen
24 individual data points, and each ordered position corresponding to TOPoint
25 follows in the ordered series the ordered position corresponding to FROMPoint.

26
27 22. (Original) The system as described in claim 17, wherein the
28 reference point further comprises a plurality of reference individual data
29 points, there being a one-to-one correspondence between the reference individual
30 data points and the chosen individual data points.

31
32 23. (Original) The system as described in claim 22, wherein the
33 examining means further comprises a means for performing a comparison expressed
34 by the equation

35
36
$$((\text{TOPoint} - \text{FROMPoint}) / \text{FROMPoint}) * 100 = +/- \%$$

1 wherein each pair of "FROMPoint" and "TOPoint" are each corresponding reference
2 individual data point and chosen individual data point.

3
4 24. (Original) The system as described in claim 22, wherein the
5 examining means further comprises a means for performing a comparison expressed
6 by the equation

7
8
$$((\text{FROMPoint} - \text{TOPoint}) / \text{TOPoint}) * 100 = +/- \delta$$

9

10 wherein each pair of "TOPoint" and "FROMPoint" are each corresponding reference
11 individual data point and chosen individual data point.

12
13 25. (Original) The system as described in claim 17, wherein the
14 ordering function comprises date order and each data point comprises a value of
15 the security on a specific date.

16
17 26. (Original) The system as described in claim 17, wherein the
18 ordering function comprises date-and-time order and each data point comprises a
19 value of the security at a specific date and time.

20
21 27. (Original) The system as described in claim 17, further
22 comprising a means for exporting the data analysis to a second means of analyzing
23 financial data.

24
25 28. (Currently Amended) A method for analyzing data of a category,
26 the system comprising the steps of:

27 ~~obtaining~~choosing a range for data points related to the
28 category;

29 choosing a plurality of data points related to the category
30 from within the range, each data point comprises associated data regarding the
31 category;

32 designating one of the data points as a reference data point;
33 choosing one of the data points as a chosen data point, wherein
34 the chosen data point further comprises a plurality of chosen data points, ~~not~~
35 ~~using an arithmetical pattern;~~ and

36 examining the data corresponding to the reference data point

1 with the data corresponding to the chosen data point, thereby producing a data
2 analysis.

3
4 29. (Cancelled)

5
6 30. (~~Currently~~Previously Amended) The method as described in claim
7 ~~29~~28, further comprising the step of ordering the chosen data points prior
8 to the examining step.

9
10 31. (Original) The method as described in claim 30, further
11 comprising the step of reporting the data analysis.

12
13 32. (~~Currently~~Previously Amended) The method as described in claim
14 ~~29~~28, wherein the category comprises finance.

15
16 33. (Original) The method as described in claim 32, wherein the
17 associated data is chosen from the group consisting of sales data, inventory
18 data, cost data, margin data, income tax data, depreciation data, and
19 amortization data.

20
21 34. (Currently Amended) A system for analyzing data of a category,
22 the system comprising:

23 a means for choosing a range for data points related to the
24 category;

25 a means for ~~obtaining~~choosing a plurality of data points
26 related to the category from within the range, each data point comprises
27 associated data regarding the category;

28 a means for designating one of the data points as a reference
29 data point;

30 a means for choosing one of the data points as a chosen data
31 point, wherein the chosen data point further comprises a plurality of chosen data
32 points, ~~not using an arithmetical pattern;~~ and

33 a means for examining the data corresponding to the reference
34 data point with the data corresponding to the chosen data point, thereby
35 producing a data analysis.

1 35. (Cancelled)

2

3 36. (~~Currently~~Previously Amended) The system as described in claim
4 ~~35~~34, wherein the examining means comprises a means for ordering the chosen
5 data points prior to examining the data.

6

7 37. (Original) The system as described in claim 36, further
8 comprising a reporting means to report the data analysis.

9

10 38. (~~Currently~~Previously Amended) The system as described in claim
11 ~~35~~34, wherein the category comprises finance.

12

13 39. (Original) The system as described in claim 38, wherein the
14 associated data is chosen from the group consisting of sales data, inventory
15 data, cost data, margin data, income tax data, depreciation data, and
16 amortization data.

17

18

19

1 The comments of the Examiner as set forth in the Office Paper of
2 April 7, 2005 have been carefully studied and reviewed.

3
4 Claims 1, 3-4, 7-15, 17, 20-28, 30-34, and 36-39 are pending in the
5 application.

6
7 Claims 1, 3-4, 7-15, 17, 20-28, 30-34, and 36-39 have been rejected.

8
9 Claims 1, 15, 28, and 34 have been amended in this Amendment, without
10 prejudice.

11
12
13 **Claim Rejections: 35 U.S.C. §103(a)**

14
15 Claims 1, 3-4, 7-15, 17, 20-28, 30-34, and 36-39 were rejected under
16 35 U.S.C. §103(a) as being unpatentable over Phillips et al. (U.S. Pat. No.
17 6,792,399) and official notice.

18
19 Applicant respectfully repeats his traversal of these rejections as
20 described in his previous Amendment dated January 13, 2005. To reject a claimed
21 invention based upon its obviousness over the prior art, the examiner must
22 support such a rejection by establishing the invention's prima facie obviousness.
23 The examiner must show where in the art cited there is a description of the
24 claimed invention sufficient to have taught or suggested the invention to
25 ordinarily skilled artisans of the time (see, e.g., ACS Hospital Systems, Inc.,
26 v. Montefiore Hospital, 221 U.S.P.Q. 929, 933 (F. Cir. 1984); see also, In re
27 Fine, 5 U.S.P.Q.2d 1596 (F. Cir. 1988)).

28
29 Evaluation of whether the cited documents provide the necessary
30 description requires consideration of "(1) whether the prior art would have
31 suggested to those of ordinary skill in the art they should make the claimed
32 [invention] ... and (2) whether the prior art would have also revealed that in
33 so making ... those of ordinary skill would have a reasonable expectation of
34 success" (In re Vaeck, 20 U.S.P.Q.2d 1438, 1442 (F. Cir. 1991)). "Both the
35 suggestion and the reasonable expectation of success must be found in the prior
36 art, not in the applicant's disclosure" (In re Vaeck, supra). That is, "one

1 cannot use hindsight reconstruction to pick and choose amongst isolated
2 disclosures in the prior art to deprecate the claimed invention" (In re Fine,
3 supra at 1600).
4

5 Phillips et al. Rejection
6

7 Phillips et al. analyze data in different ways. The cluster analysis
8 referred to is only used after data has been analyzed by various individuals
9 using the service offered by these inventors; cluster analysis is used for what
10 can be considered an "analysis of the analysis", to even out the analyzed data
11 based on levels of participation by the various individual forecasters whose
12 analyses are providing data to the system (see col. 43, lines 1-13).
13

14 Applicant has amended independent Claims 1, 15, 28, and 34 to
15 distinguish further Applicant's invention from Phillips et al. In short, the
16 disclosure of Phillips et al. is limited to cluster analysis. Applicant does not
17 employ cluster analysis in any way. Applicant's amended Claims clearly show that
18 absence of cluster analysis in Applicant's invention. Thus, Applicant's
19 invention is not obvious in light of Phillips et al. with official notice.
20

21 Now that Applicant's independent Claims have been distinguished from
22 the prior art, Applicant respectfully submits that all dependent Claims are also
23 distinguished from the prior art.
24
25